Vol. III. Numb. 25.

THE OBSERVATOR.

A further Account of the Information against the Observator.

From **Wednesday** June the 14th, to **Saturday** June the 17th, 1704.

ntry-m. MAfter *Observator*, pray let us have the reſt of the Accuſation againſt you. If you can ar your ſelf in the Eye of the World, and have good Opinion of Honeſt Men, 'tis no matter at you Suffer. The times cannot return upon orſe than we have known 'em in our Days; you may be aſſured you cannot Suffer more juſtly than other brave Men have done before n.

Obſ. I have known and ſeen theſe things, I have n part of my Countries Burden in my tender e; and I hope now I ſhall not be affraid of fering. How many have we known murder'd, der a pretence of Law, by Juries pack'd for that rpoſe? How many have been *Pillored*, *Fin'd*, *mpt*, and Tormented with other Illegal Puhments?

Country-m. Let us Talk no more of thoſe Deſed and Ruin'd Worthies. It grieves me to hear ir Names mention'd. But, I remember, by the y, That their Sufferings made King *James* mper croſs the *Herring-Pond*. Cruel and Bloody ecutors can't go long Unpuniſhed. What I nt to hear is, ſome more of what the Honeſt lk of this Age have got againſt you.

Obſ. Another Article is in *Num.* 23. *Vol.* 1. *July* e 11*th* 1702. as follows,

And this is a Prerogative of ſingular Advantage to People of England, *in that their Repreſentatives the Judges of the Male-Adminiſtration of their vernours, that they can call them in Queſtion for ſame, and can Appoint ſuch to wear the Crown o are fitteſt for Government, which they have often e, and indeed, which is the* Priviledge *of all* Free*ople, who are Authorized by the Laws of* God *and ature to* chuſe *their own Governours.*

Country-m. Lord Bleſs me! This an Article ainſt you? If this ben't true, how did we come this Government?

Obſ. Now, Honeſt *Country-man*, You and All the atives of our dear Country, who are not mind to be Slaves, may ſee more in this Article than t has been Publickly brought on the Stage.

The *Obſervator* is here Diſcourſing of, and ndicating the *High-Priviledge* of an *Engliſh* rliament, in which he takes the occaſion of uoting a Paragraph from Sir *Robert Smith*, who, his Treatiſe *de Republica Anglorum*, among other ghts, *Priviledges*, and *Authorities* of an *Engliſh* rliament, he mentions this as one of 'em, That *in Regno Succedendi preſcribunt*, viz. *That it eſcribes the Right of Succeſſion to the Crown.*

What the *Obſervator* is inform'd againſt on is Head, is his Note or Comment on this of Sir obert *Smith*, which, I think, he has well back'd the Statute of the 13. *Eliz.* chap. 13. The lauſe he there quotes at large, and it being ſo ry neceſſary towards his Juſtification, as to this art of the Information againſt him, we muſt re Repeat it.

I'll ſhow you the very Clauſe in the tatute of 13 *Eliz.* chap. 13. where it is enacted, *That if any Perſon ſhall in any wiſe Hold and Affirm or Maintain, That the Queen with and by the Parliament of* England, *is not able to make Laws and Statutes of ſufficient Force and Validity to Limit and Bind the Crown of this Realm, and the Deſcent, Limitation, Inheritance and Government thereof; or that this preſent Statute, or any part thereof, or any other Statute to be made by the Authority of the Parliament of* England, *with the Royal* Aſſent, *for the limiting of the* Crown, *is not, are not, or ſhall not, or ought not to be for ever of good and ſufficient Force and Validity to Bind, Limit, Reſtrain and Govern all Perſons, their Rights and Titles, that in any wiſe may or might claim any Intereſt or Poſſibility in or to the Crown of* England, *in Poſſeſſion, Remainder, Inheritance, Succeſſion or otherwiſe however; every Perſon ſo Holding, Affirming or Maintaing during the Life of the Queen, ſhall be adjudged an High Traytor, and ſuffer and forfeit as in Caſes of High Treaſon is accuſtomed; and every Perſon ſo Holding, Affirming, or Maintaining, after the Deceaſe of our ſaid Soveraign Lady, ſhall forfeit all his Goods and Chattels.*

Country-m. This is ſo plain that the meaneſt *Country-man* can underſtand it. Here's plain Law, and what has been put in practice in our times: If this be a Crime, a Man may in time be Indicted for calling himſelf an *Engliſhman*.

Obſ. If this Proſecution does not open the Eyes of my Country-men, they are Judicially blinded; and if it does open their Eyes, if mine are for ever ſhut thereby, I ſhall thank God, that has made me an Inſtrument of ſo great Uſe to my dear Country.

And therefore let my Country-men ſee that what I am here charg'd with is, my Defence of the Rights of an *Engliſh* Parliament, thoſe Fundamental and Inherent Rights of *Engliſhmen*, which are inſeparable from our Conſtitution; on the Foundation of which Rights was the *Revolution* Built, the *Acts of Settlement*, the *Abjuration Act*, and other Securities of the *Royal Dignity*, the *Law*, *Religion*, and *Liberty* of *England*.

I am now on my own Juſtification, and the Vindication of Her Majeſties *Right* to the *Crown*, the *Authority* of *Parliament*, and the *High-Priviledges* of *Engliſhmen*; and therefore I am conſtrained to come cloſe to the Point.

If the Repreſentative Body of the People, in whom is lodged the Power of the whole Community, *& Nobilis & Popularis*; I ſay if this Epitomized Power of Natural and Legal Right are not *Judges of the Male-Adminiſtration of their Governours*, how came they then to prefer Articles of Male-Adminiſtration againſt the late K. *James*, and to give thoſe Articles in Plea for their making the Throne vacant, and for filling of it with the Prince and Princeſs of *Orange*, and after their Demiſe, with the Princeſs *Anne* of *Denmark*, now our Gracious Queen.

If an *Engliſh* Repreſentative Body of the People *cannot appoint ſuch to wear the Crown who are fitteſt for Government*, how came they in their *Acts of Settlement*, ſince the *Abdication*, to Set-

tle

tle the Succeſſion, without ſo much as taking Notice of the pretended Iſſue of King *James*, or the Houſe of *Savoy*, and to Settle it on the Houſe of *Hannover*, next Her Majeſty, as *fitteſt for Government*, becauſe they were *Proteſtants*?

To tell you that the People of *England have often done this*, would be but a Repetition of what has been often proved in the *Obſervators*, and which no one can anſwer but by an Information in the *Crown-Office*: That the Revolution was preſcribed by the Laws and Cuſtoms of our Anceſtors, is Evident from Law, Hiſtory, and Record, and who ever denies this, denies Her Majeſties Right to the Crown, which ſome have done, and were never Proſecuted in the *Crown-Office* for ſo doing.

Thoſe that deny a Free People the Priviledge of chuſing their own Governours, as Authorized thereto by the Laws of God and Nature, muſt ſhow that ſome-Body elſe has a Power to chuſe Governours for them.

'Tis true, under the *Jewiſh Theocracy*, the Almighty himſelf did appoint Governours for his own People; but we muſt conſider what ſort of Governours thoſe were, and how long ſince that Government expir'd.

The Dominions of Nature are all on a Level in thoſe Territories of the Free-Born. There are no *Anakims* in Power, no one over-topping the reſt in Prerogative and Juriſdiction, and if any arrive to the *Culmen Poleſtatis* it is by the Common Conſent of the Community.

The People of *England*, in their Politick and Legiſlative Capacity, are never in Non-Age, and conſequently have a Right of Choice; the meaneſt Perſon in *England*, Qualify'd, has a Right to chuſe his own Repreſentative, and without doubt the Power of the Repreſenters, they having the Eſſential Power of the whole People lodged in themſelves, have a greater Power to chuſe for the Good of the People, to whom they are Guardians, and by whom they are Entruſted with the Laws and Liberties of *England*.

Indeed the Power of an *Engliſh* Parliament is ſo great, that I cannot find it Circumſcrib'd but by *Conſcience* and *Native Rights*; and if we ever happen to have a bad Parliament, I know not how we can help our ſelves but by a better choice the next Time. And however I happened of late to be Miſrepreſented to that *Auguſt* and *Honourable* Aſſembly, I defie Mankind to prove, that ever I wrote one Line againſt the Power of Parliament; and now you ſee I am Proſecuted for Vindicating their High Authority.

Country-m. I proteſt you are the moſt unaccountable Man that ever liv'd; you are Abuſed by the *Anti-Revolution* Party, and Libel'd by the *Non-jurors* for Vindicating the Power of Parliament, and at the ſame time you are under the Cenſure of the Houſe of Commons for a Breach of Priviledge; you write in Vindication of Her Majeſties Title, and Rob your Wife and Children to ſpend your Money in the Diſcovery of the deſigns of Her Majeſties Enemies againſt Her Perſon and Government, and at the ſame time you are Proſecuted in Her Majeſties Name for I don't know what: What is the meaning of theſe Inconſiſtencies? I think they call 'em.

Obſ. Truly, Honeſt *Country-man*, I can't tell. I have made enquiry at Court, and I can't yet learn from whence this Information had its Original, and that's a very Material Point for me to know.

Country-m. I thought you had been Cunninger than that comes to; can you tell me who th are that keep ſuch as have Written againſt Government from being Proſecuted?

Obſ. If I can tell you, I won't do it at preſe

Country m. Well, I muſt needs ſay, yours is hard Caſe, you have all the Rogues and Who in *England* againſt you, and but a few Friend and at this rate you'll Ruin me too, I muſt a Load of Corn againſt every Term to ſupp you with Money to carry on your Law Charg I would not Ruin my ſelf in the Service of Ungrateful People, you are not a *Hercules*, can't cleanſe an *Augean Stable*, let Mankind riſh in their Ignorance and run Blind-fold Deſtruction. You can't mend the World. leave with you a Scrap of Poetry, I retain in Memory, from *John How*, Eſq; 'tis a Tranſla on, as I think, from Mr. *Horace*.

What is't to us who Rules the State,
Who's out of Favour, *or who* Great;
Who are the Miniſters *and* Spies,
Who Votes *for Places or who* Buys?
The World will ſtill be Rul'd by Knaves,
And Fools *contending to be* Slaves.

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